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NOTICE OF ALLOWANCE AND FEE(S) DUE

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314

EXAMINER
PHAM, TIMOTHY X

ART UNIT PAPER NUMBER

2617

DATE MAILED: 04/29/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,101	02/03/2006	Masaaki Isozu	279077US6PCT	4638

TITLE OF INVENTION: COMMUNICATION SYSTEM, COMMUNICATION METHOD, COMMUNICATION TERMINAL DEVICE, CONTROL

METHOD THEREOF, AND PROGRAM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/29/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED.</u> SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

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appropriate. All further indicated unless correcte maintenance fee notifical	ed below or directed oth	or transmitting the 1880 of the Patent, advance of the Patent, advance of the Patent I by (orders and notification of materials and an animal process.	on FEE (il required aintenance fees will condence address; an	be mailed to the current d/or (b) indicating a separate	correspondence address as trate "FEE ADDRESS" for
CURRENT CORRESPONDI	ENCE ADDRESS (Note: Use BI	ock 1 for any change of address)	Fee(s	s) Transmittal. This c rs. Each additional pa	ertificate cannot be used f	r domestic mailings of the or any other accompanying nt or formal drawing, must
	AK, MCCLELLA REET		EUSTADT, L.L.P. I her State addre trans	oby cortify that this I	cate of Mailing or Trans fee(s) Transmittal is being sufficient postage for firs op ISSUE FEE address (571) 273-2885, on the da	mission g deposited with the United at class mail in an envelope above, or being facsimile the indicated below.
						(Depositor's name)
						(Signature)
						(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	A	TTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,101	02/03/2006		Masaaki Isozu		279077US6PCT	4638
TITLE OF INVENTION METHOD THEREOF, A		N SYSTEM, COMMUN	NICATION METHOD, CC	MMUNICATION T	ERMINAL DEVICE, C	ONTROL
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FI	EE TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/29/2011
EXAM	INER	ART UNIT	CLASS-SUBCLASS			
PHAM, TI	мотну х	2617	370-338000			
 Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. 			2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.			
PLEASE NOTE: Unl	ess an assignee is ident h in 37 CFR 3.11. Comp	ified below, no assignee	THE PATENT (print or typ data will appear on the pa of a substitute for filing an a (B) RESIDENCE: (CITY	tent. If an assignee ssignment. and STATE OR COU	JNTRY)	
Please check the appropri	iate assignee category or	categories (will not be p	rinted on the patent):	Individual 🖵 Corpo	oration or other private gro	oup entity Government
4a. The following fee(s) are submitted: ☐ Issue Fee ☐ Publication Fee (No small entity discount permitted) ☐ Advance Order - # of Copies			b. Payment of Fee(s): (Please A check is enclosed. Payment by credit care The Director is hereby overpayment, to Depos	I. Form PTO-2038 is	attached.	,
5. Change in Entity Stat	,	*				
**	s SMALL ENTITY state		b. Applicant is no long			
interest as shown by the i	records of the United Sta	uired) will not be accepte tes Patent and Trademark	ed from anyone other than the k Office.	e applicant; a register	ed attorney or agent; or tr	e assignee or other party in
Authorized Signature				Date		
Typed or printed name			Registration No.			
This collection of inform an application. Confident submitting the completed this form and/or suggesti Box 1450. Alexandria, V	ation is required by 37 C tiality is governed by 35 I application form to the ons for reducing this bu irginia 22313-1450. DO	CFR 1.311. The informati- U.S.C. 122 and 37 CFR USPTO. Time will vary rden, should be sent to the NOT SEND FEES OR	on is required to obtain or re 1.14. This collection is esti y depending upon the indivi ne Chief Information Office COMPLETED FORMS TO	etain a benefit by the mated to take 12 min dual case. Any comm , U.S. Patent and Tra THIS ADDRESS. S	oublic which is to file (and utes to complete, including nents on the amount of tind demark Office, U.S. Dept END TO: Commissioner	by the USPTO to process) g gathering, preparing, and me you require to complete artment of Commerce, P.O. for Patents. P.O. Box 1450.

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10/567,101	02/03/2006	Masaaki Isozu	279077US6PCT	4638	
22850 75	90 04/29/2011	EXAMINER			
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			РНАМ, ТІМОТНҮ X		
			ART UNIT	PAPER NUMBER	
		2617			

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 663 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 663 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

	Application No.	Applicant(s)			
	10/567,101	ISOZU, MASAAKI			
Notice of Allowability	Examiner	Art Unit			
	TIMOTHY PHAM	2617			
The MAILING DATE of this communication apperall claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate comm GHTS. This application is:	n this application. If not included unication will be mailed in due course.			
2. 🔀 The allowed claim(s) is/are <u>27-43</u> .					
 3. ☐ Acknowledgment is made of a claim for foreign priority una) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have 2. ☐ Certified copies of the priority documents have 3. ☐ Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	been received. been received in Application	on No	m the		
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. A SUBSTITUTE OATH OR DECLARATION must be subm	IENT of this application.				
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.					
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material / Timothy Pham/ Examiner, Art Unit 2617	6.	formal Patent Application ummary (PTO-413), /Mail Date Amendment/Comment Statement of Reasons for Allowance			

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Soumya Panda on April 21, 2011.

Claims 1-26 have been cancelled.

Independent claims 33, 36-37, 41-43 have been amended as follows:

Claim 33 (Currently Amended): A communication terminal device comprising:

a memory to store routes, created by the terminal device, to a first communication terminal.

which mediates the terminal device mediates between [[a]] the first communication terminal as a transmission origin and a second communication terminal as a transmission destination and based on a message originated from the first communication terminal to the second communication terminal, creates the routes to the first communication terminal, the communication terminal device comprising:

a memory to store the routes; and

state notification means for detecting a possible disconnection state in terms of a disconnection symptom for communication on the routes as an upstream side for the message and notifying the possible disconnection state to the first communication terminal, wherein a

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number of notifications of the possible disconnection state transmitted to the first communication terminal is limited to a specified ratio of one notification to a predetermined number of data packets transmitted between the first and second communication terminals.

Claim 36 (Currently Amended): A communication method for a communication terminal device, the method comprising:

which mediates mediating between a first communication terminal as a transmission origin and a second communication terminal as a transmission destination:

a first step of creating, by the communication terminal device, routes to the first communication terminal and based on a message originated from the first communication terminal to the second communication terminal, the communication terminal device creates routes to the first communication terminal, the communication method comprising:

a <u>first second</u> step of detecting a possible disconnection state in terms of a disconnection symptom for communication on the routes as an upstream side for the message; and

a second third step of notifying the possible disconnection state detected by the first step to the first communication terminal, wherein a number of notifications of the possible disconnection state transmitted to the first communication terminal is limited to a specified ratio of one notification to a predetermined number of data packets transmitted between the first and second communication terminals.

Claim 37 (Currently Amended): A communication terminal device <u>comprising</u>: a memory to store routes to the terminal device,

which, wherein, based on a message originated from itself the terminal device to a first communication terminal as a transmission destination, the terminal device creates routes to itself

the terminal device by means of a second communication terminal mediating between itself the terminal device and a first communication terminal and communicates with the first communication terminal via one of the created routes, the communication terminal device comprising:

a memory to store the routes; and

message origination means for, when the second communication terminal notifies a possible disconnection state in terms of a disconnection symptom for communication on a first route upstream of the message, generating the message using a creation condition according to a second route other than a first route matching the possible disconnection state and originating the message,

wherein a number of notifications of the possible disconnection state received by the communication terminal device is limited to a specified ratio of one notification to a predetermined number of data packets transmitted between the communication terminal device and the first communication terminal.

Claim 41 (Currently Amended): A communication method for a communication terminal device, the method comprising:

which, based on a message originated from itself to a first communication terminal as a transmission destination, creates a first step of creating routes, based on a message originated from itself to a first communication terminal as a transmission destination, to itself the terminal device by means of a second communication terminal mediating between itself the terminal device and the first communication terminal, and communicates the terminal device

<u>communicating</u> with the first communication terminal via one of the created routes, the communication method comprising:

a <u>first-second</u> step of, when the mediating communication terminal notifies a possible disconnection state in terms of a disconnection symptom for communication on a first route upstream of the message, generating the message using a creation condition according to a second route other than the first route matching the possible disconnection state; and

a second third step of originating the message generated by the first step, wherein a number of notifications of the possible disconnection state received by the communication terminal device is limited to a specified ratio of one notification to a predetermined number of data packets transmitted between the communication terminal device and the first communication terminal.

Claim 42 (Currently Amended): A non-transitory computer readable storage medium on which is recorded a program which, when executed in a communication terminal device, directs causes the communication terminal device to:

mediate between a first communication terminal as a transmission origin and a second communication terminal as a transmission destination; and, based on a message originated from the first communication terminal to the second communication terminal,

create routes to the communication terminal as transmission origin <u>based on a message</u>

<u>originated from the first communication terminal to the second communication terminal</u>, the

<u>program comprising:</u>

a first step of detecting detect a possible disconnection state in terms of a disconnection symptom for communication on a first route as an upstream side for the message; and

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a second step of notifying the possible disconnection state detected by the first step to the first communication terminal, wherein a number of notifications of the possible disconnection state transmitted to the first communication terminal is limited to a specified ratio of one notification to a predetermined number of data packets transmitted between the first and second communication terminals.

Claim 43 (Currently Amended): A non-transitory computer readable storage medium on which is recorded a program which, when executed in a communication terminal device, directs causes the communication terminal device to:

, based on a message originated from itself to a first communication terminal as a transmission destination, to create routes, based on a message originated from the terminal device to a first communication terminal as a transmission destination, to itself the terminal device by means of a second communication terminal mediating between itself the terminal device and the first communication terminal and to communicate, the terminal device communicating with the first communication terminal via one of the created routes, the program comprising:;

a first step of, when the mediating communication terminal notifies a possible disconnection state in terms of a disconnection symptom for communication on a first route upstream of the message, generating generate the message using a creation condition according to a second route other than the first route matching the possible disconnection state; and

a second step of originating originate the message generated by the first step, wherein a number of notifications of the possible disconnection state transmitted to the first communication terminal is limited to a specified ratio of at least one notification to a predetermined number of

data packets transmitted between the communication terminal device and the first communication terminal.

Allowable Subject Matter

- 2. Claims 27-43 are allowed.
- 3. The following is an examiner's statement of reasons for allowance:

Independent claims 27, 33, 36-37, 41-43 and their dependents thereof, are allowed because the closes prior art, Gutierrez (US-2004/0233855), Cain (US-2004/0029553), and Billhartz et al. (US-2003/0202476 and US-2004/0203820), either alone or in combination, fails to anticipate or render obvious a communication system comprising:

a plurality of communication terminals, and based on a message originated from a first communication terminal to a third communication terminal via a second communication terminal, each communication terminal included in the plurality of communication terminals creates routes to the first communication terminal by using the second and third communication terminals to communicate between the first and third communication terminals via the created route,

wherein the second communication terminal has state notification means for detecting a possible disconnection state in terms of a disconnection symptom for communication on the route as an upstream side for the message and notifying the possible disconnection state to the first communication terminal, wherein a number of notifications of the possible disconnection state transmitted to the first communication terminal is limited to a specified ratio of one

notification to a predetermined number of data packets transmitted between the first and third communication terminals, and

the first communication terminal has message origination means for generating the message using a creation condition according to a route other than the route matching the possible disconnection state notified from the second communication terminal and originating the message.

Specifically, Gutierrez, Cain, and Billhartz, either alone or in combination, fails to teach or disclose "a number of notifications of the possible disconnection state transmitted to the first communication terminal is limited to a specified ratio of one notification to a predetermined number of data packets transmitted between the first and third communication terminals" (see Remarks filed 02/18/2011).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY PHAM whose telephone number is (571)270-7115. The examiner can normally be reached on Monday-Friday; 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Timothy Pham/ Examiner, Art Unit 2617 /PIERRE-LOUIS DESIR/ Primary Examiner, Art Unit 2617